

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

11 WANI J. KOSE,
12 Plaintiff,
13 v.
14 H. SIEZ, et al.,
15 Defendants.

Case No.: 1:23-cv-00557-KES-CDB

**ORDER GRANTING DEFENDANTS'
MOTION FOR ADMINISTRATIVE
RELIEF RE: EXTENSION OF TIME TO
FILE JOINT STATUS REPORT**

(Doc. 36)

17 Plaintiff Wani J. Kose is proceeding pro se and *in forma pauperis* in this civil rights action
18 pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff's Eighth Amendment failure to
19 protect claim against Defendant Saiz and his Eighth Amendment deliberate indifference to
20 serious medical needs claims against Defendants Negre and Walker.

21 **I. INTRODUCTION**

22 On January 13, 2025, Defendants filed a motion for administrative relief, asking the Court
23 to stay these proceedings, vacate the dispositive motion filing deadline, and to set this matter for a
24 settlement conference. (Doc. 34.)

25 On January 16, 2025, the Court issued its Order Denying Defendants' Motion for
26 Administrative Relief Re: Order Setting Settlement Conference and to Stay Case Deadlines.
27 (Doc. 35.) Relevant here, the parties were directed to meet and confer, within 14 days, concerning
28 available dates and times for a pretrial conference and trial before District Judge Kirk E. Sherriff,

1 and to file a joint status report within 21 days. (*Id.* at 5-6.) If the parties wished to participate in a
2 settlement conference, they were also to provide available dates and times for a settlement
3 conference. (*Id.* at 6.)

4 On February 5, 2025, Defendants moved for a 7-day extension of time within which to file
5 the joint status report. (Doc. 36.)

6 **II. DISCUSSION**

7 Defense counsel states she contacted Plaintiff's housing institution to determine a
8 mutually agreeable date and time for a telephone conference with Plaintiff; the conference was
9 scheduled for January 29, 2025, at 8 a.m. (Doc. 36 at 3, ¶ 3.) However, defense counsel did not
10 receive a telephone call on that date. (*Id.*, ¶ 4.) Counsel has been in contact with the institution to
11 determine another mutually agreeable date and time for the telephone conference—it is now
12 scheduled for February 7, 2025, at 8:30 a.m. (*Id.*) Because defense counsel has been unable to
13 confer with Plaintiff, a joint status report cannot be finalized between the parties. (*Id.*, ¶ 5.) A 7-
14 day extension of time will allow the parties to file a joint status report. (*Id.*, ¶ 6.)

15 The Court finds good cause to grant Defendants' motion and to extend the relevant
16 deadline. The Court separately will require Defendants to report to the Court their dates of
17 availability to attend pretrial conference and proceed to trial in the event counsel for Defendants
18 is unsuccessful in communicating with Plaintiff regarding mutual dates of availability.

19 **III. CONCLUSION AND ORDER**

20 Accordingly, this Court **HEREBY ORDERS**:

21 1. Defendants' motion for administrative relief (Doc. 36) is **GRANTED**;
22 2. The parties **SHALL** file their joint status report **no later than February 13, 2025**, as
23 outlined in the Court's January 16, 2025, order; and

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1 3. In the event defense counsel is unable to timely meet with Plaintiff as planned, counsel
2 **SHALL** file a status report, **no later than February 13, 2025**, reflecting her and
3 Defendants' dates of availability to appear for the pretrial conference and trial to be
4 heard before District Judge Kirk E. Sherriff.

5 IT IS SO ORDERED.

6 Dated: February 6, 2025


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8 UNITED STATES MAGISTRATE JUDGE

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